

Affidavit of Rabbi Meilech Menczer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., RABBI MORDECHAI BABAD, RABBI
WOLF BRIEF, RABBI HERMEN KAHANA, RABBI MEIR
MARGULIS, RABBI GERGELY NEUMAN, RABBI
MEILECH MENCZER, RABBI JACOB HERSHKOWITZ,
RABBICHAIM ROSENBERG, RABBI DAVID A. MENCZER,
RABBI ARYEH ROYDE, and KOLEL BELZ OF MONSEY,

07 Civ. 6304 (KMK)(GAY)

**AFFIDAVIT IN
OPPOSITION TO
DEFENDANTS'
MOTION TO DISMISS**

Plaintiffs,

-against-

VILLAGE OF POMONA, NY; BOARD OF TRUSTEES OF
THE VILLAGE OF POMONA, NY; NICHOLAS SANDERSON,
AS MAYOR; IAN BANKS, ALMA SANDERS ROMAN,
RITA LOUIE and BRETT YAGEL, AS TRUSTEES
AND IN THEIR OFFICIAL CAPACITIES,

Defendants.

COUNTY OF ROCKLAND)
)
STATE OF NEW YORK)

Rabbi Meilech Menczer affirms the following under penalty of perjury:

1. I am a plaintiff in this action. I reside in Monsey, New York, and am 31 years old. I am a Hasidic Jew, a student at Kolel Belz of Monsey, and a member of the Congregation Rabbinical College of Tartikov.

2. I have been studying at Kolel Belz for 11 years. I am committed to becoming a Rabbinical Judge fully trained in all four volumes of the *Shulchan Aruch*, not just the first two volumes, which are commonly studied in four or five years. My aspiration to become a rabbinical judge is motivated by my religious beliefs. This religious exercise is central to my Jewish faith.

3. The first two volumes of the *Shulchan Aruch* concern the religious laws governing the relationship between man and God, including such things as the proper observance of the Shabbos and holidays, and the laws of Kosher food. These first two volumes are studied by many Rabbis, who may later serve on *bais dins* and make rulings on these issues. These *bais dins* also can help to diffuse a problem and prevent the need for adjudication by a Rabbinical Judge.

4. The four volumes require a minimum of 15 years of study, due to the complexity of the religious laws contained in the third and fourth volumes. The third and fourth volumes of the *Shulchan Aruch* concern the religious laws governing relationships among men. There are very few Rabbinical Judges trained in these areas of religious law. As a result, when a *bais din* needs to rule on these issues, they often must consult one of the very few Rabbinical Judges qualified to rule on these issues, often located in Israel.

5. There is a serious void in opportunity to study the complete *Shulchan Aruch* in America and specifically in the Town of Ramapo where many Hasidic Jews and Rabbis live, due to the need for a "Torah community" to accommodate such religious study.

6. Our religious texts counsel, and I believe, that the Torah community required to ensure that the scholars and their families stay in school for at least 15 years is one where everyone is living together and is committed to the same religious goal by round-the-clock study and religious practice, and all families are engaged in the same pursuit, living the same way, without the distractions and temptations of the outside secular community (see religious authority cited in

paragraph 16, below). I believe that a total immersion in such a religious community is important to reach my goal of becoming a rabbinical judge.

7. Seven years ago, a few of us in Kolel Belz formed an informal student group to be better prepared for eventually studying the *Shulchan Aruch*, and especially the third and fourth books. The drop-out rate was at least 70%, because it is very difficult to study 15 hours a day outside of a dedicated Torah community.

8. Kolel Belz does not provide the requisite Torah community, as students must live off-campus in rented apartments and must work part-time jobs to support their families. This deprives the students of a round-the-clock Torah study environment with other rabbis, lecturers and Rabbinical Judges to keep them constantly focused on their learning and religious practices without the demands and influences of the outside world.

9. There are currently 14 of us at Kolel Belz in our informal group, studying portions of the Talmud, which is the source for the laws contained in the *Shulchan Aruch*.

10. Over a year ago, Rabbi Chaim Babad offered to support our studies under the guidance of Rabbi Mordechai Babad, who is one of the few Rabbinical Judges fully trained in all four books of the *Shulchan Aruch*. Ten of us are now able to commit to our full-time studies in the Talmud in preparation of entering the Rabbinical College. Rabbi Mordechai Babad offers us the extremely rare opportunity to learn with the guidance and vision of an experienced Rabbinical

Judge, and we can observe the Court in session, which is part of the internship requirement of our studies to become rabbinical judges.

11. As a result, ten of us became members of the Congregation Rabbinical College of Tartikov, and are studying under its auspices, and will be admitted to the Rabbinical College when it is ready to offer a full program. I have personally been offered a position with the Congregation Rabbinical College of Tartikov to study, worship and live at its campus in Pomona once it has been constructed. I plan to accept this offer. If the college does not open, there is no place for me to receive this training.

12. For the program to succeed, it is necessary for all of the scholars and their families to live together in a Torah community.

13. I studied in Israel from age 16 to 20, and return to Israel yearly. I have personally observed that while Torah communities of long-term committed scholars and their families in Israel have low drop-out rates, the scholars studying in the United States in schools that cannot provide a communal experience have high drop-out rates.

14. I believe that it is important for such students, including myself, to remain focused on our religious studies, rather than bend to the pressures of the outside world, much like a monastery. If all of the families live in a Torah community where Torah is studied day and night, as is the case in such institutions located in Israel, the families support each other and the scholar can succeed without being tempted to stray from his path by the outside world.

15. However, unlike Catholic seminarians or Buddhist monks, our religious beliefs and practices require us to be married and have children. In fact, our religion instructs us to "Be fruitful and multiply and fill the earth" (Genesis 1:28). In other respects, however, our lives of prayer and religious study—and need for communal religious living—are very similar.

16. As written in the *Mishneh*, the fundamental work of the Oral Torah, which predates the Talmud, "Rabbi Nehorai said: 'Exile yourself to a place where there is Torah wisdom, and say not that it will follow you, for it is your associates who will keep it ever in your hand and do not rely upon you own understanding.'" *Mishneh*, Tractate Avot (4:18). This counsels that physical isolation is required, and must be with scholarly "associates". The Rambam (Moses Maimonides), the greatest of the early medieval decisors, instructed: "It is the nature of man to be drawn after his friends and fellows in his thoughts and actions.... It is a positive commandment to attach oneself to scholars and their disciples in order to learn from them...one should eat and drink with them, and be attached to them in every way with every possible means of attachment...." MT De'ot 6:1,2. There are many other authorities.

17. My religion teaches that every community should have its own Rabbinical Judge. I am personally committed to becoming a Rabbinical Judge, to serve people with answers about the law according to our religion. I am also motivated by the religious hardship of the Jewish community created by the paucity of such judges.

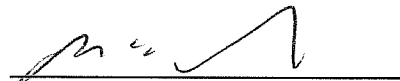
18. Without the Rabbinical College's Torah community of families and other rabbinical students, I could not accomplish my religious goal, despite my heart-felt commitment.

19. I affirm this affidavit pursuant to my religious beliefs.

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Rabbi Meilech Menczer

Affirmed before me this 10
day of January, 2008


Notary Public

MOSHE E. MALIK
Notary Public, State of New York
No. 4961978
Qualified in Rockland County
Commission Expires Feb. 12, 20 10